

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50121 of 2024

Arising Out of PS. Case No.-242 Year-2020 Thana- BALIYA District- Begusarai

Rajiv Yadav S/o Late Indra Deo Yadav @ Ino Yadav R/o vill - Musechak, P.S.
- Sahebpur Kamal, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 4 06-09-2024 1. Heard learned counsel for the petitioner and learned APP for the State.
2. The petitioner has renewed his prayer for grant of regular bail in connection with Baliya P.S. Case no. 242 of 2020 registered under sections 302, 341, 504 and 34 of the Indian Penal Code and section 27 of the Arms Act.
3. As per the prosecution case, six named accused persons including the petitioner herein are said to have come variously armed and resorted to indiscriminate firing. The petitioner is said to have fired with his pistol hitting the informant's brother in his head.
4. Learned counsel for the petitioner submits that the earlier prayer for bail of the petitioner was rejected vide order dated 16.1.2023 (Annexure- P/1) passed in Cr. Misc. no. 28344



of 2022. Inspite of the petitioner being in custody for over four years since 22.8.2020, only two witnesses have been examined and there is no chance of the trial concluding in the near future. The case of the petitioner stands on a similar footing to that of co-accused Laxman Sah who has been enlarged on bail vide order dated 20.3.2024 passed in Cr. Misc. no. 7872 of 2024. The petitioner undertakes to cooperate in the trial.

5. The application for bail is opposed by learned APP for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 8.8.2024 of the learned Additional District and Sessions Judge-II, Begusarai, two witnesses have been examined while ten witnesses still remain to be examined. The report further states that summons and bailable warrants have been issued for appearance of the witnesses.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R being similar to that of co-accused Laxman Sah who has been enlarged on bail by the aforesaid order dated 20.3.2024, ten witnesses remaining to be examined and the witnesses not appearing inspite of summons and bailable



warrants having been issued for their appearance together with the petitioner having remained in custody for over 4 years since 22.8.2020, the petitioner is directed to be enlarged on bail in connection with Baliya P.S. Case no. 242 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Begusarai.

(Partha Sarthy, J)

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